

House Republican Press Release

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Medical Malpractice Insurance Reform in Connecticut



Remarks by State Representative Toni Boucher
White Coat Press Conference
Norwalk City Hall,

An issue of great importance to Connecticut residents and to my constituents is access to quality medical care. Doctors are struggling to maintain their medical practices because of the financial burden of excessive premiums for medical liability insurance. In the recent past, Connecticut doctors were served by eleven medical liability insurance companies - today there are only three. Premiums have more than doubled since 2001 causing Connecticut physicians to either move out of state or to abandon medicine. Connecticut's residents directly suffer by losing capable doctors.

I also understand the financial burdens on doctors' practices take away from their main objective of caring for patients.

Over the last couple of years I have taken the lead for our side of the political aisle and have been very outspoken on this issue. In the 2003 session, I introduced an amendment with a Democratic colleague that included caps among many other necessary proposals and convinced 30 co-sponsors to sign on. Unfortunately, leadership prevented its passage. This year, I supported and co-sponsored Senate Bill 483, which included caps and most of the other measures in our original amendment. I not only co-sponsored the bill, but also testified in committee with doctors from our area.

Following is an excerpt of my testimony:

This bill cannot come soon enough. Although the State is in the process of recovering from a massive budget crisis, during the same period another crisis has been unfolding and is threatening to destroy Connecticut's quality healthcare. The rising cost of medical liability insurance in Connecticut is seriously jeopardizing access to health care for all of us.

Over the past three years, physicians in Connecticut have experienced dramatic increases in their medical liability premiums, many paying double what they were paying in 2001 while seeing their coverage cut in half.

For example, many obstetricians are now paying in excess of \$100,000 per year, And specialties such as neurosurgery is experiencing even higher premiums, some neurosurgeons over \$200,000. Potentially more problematic is that the number of standard medical liability carriers in Connecticut has been reduced from eight in 2002 to three in 2004 and may soon go down to two.

There is a notion that it is the insurance companies who are at fault, that they are gouging the doctors to make big profits. On September 19, 2003 Farmers Insurance Group announced its plans to discontinue its medical malpractice insurance line of business and began the process to non-renewing its existing business on Jan.1, 2004. In 2002, Farmers Insurance lost more than \$100 million on its malpractice policies; losses

this year were following a similar trend. If insurance companies are ripping off the doctors and getting rich at their expense, then why are insurers no longer writing policies in our state?

Physicians face the daily stress of making life and death decisions, often times going long stretches of time without seeing family and friends. Couple this with the current medical liability crisis. Many physicians, particularly in high-risk fields, have the distraction of financial insecurity, not knowing whether enough revenue will be generated to pay exorbitant liability premiums. Nearly half of the medical group I belong to have left their profession to pursue other careers or to just take a few remaining patients on a retainer bases. My doctor's son who graduated from U of Penn medicine is going west to avoid Connecticut's problems, many others are moving south. Soon we may need to leave the state to get the doctors that treat the most dangerous or difficult of cases.

This is what almost happened to my husband four years ago. On the last day of session, I was called to Norwalk Hospital Emergency room where my husband was in extreme and constant pain. After a week of unrelenting agony and high doses of morphine, it was determined that he had an enormous tumor intertwined in his spinal column. An incredibly dangerous and life-threatening operation on his spine to try to extricate it was our only recourse. This operation had only been performed 5 or 6 times before. After 6 ½ hours, the majority of the tumor was removed with only some residual damage to his nerve ending that controlled his ability to walk, afterward under going 2 years of successful therapy. This operation is now in the medical journals.

His doctor also removed a brain tumor from a neighbor and friend. His reputation has attracted hundreds of patients at both Danbury and Norwalk Hospitals per year that would have had to go out of state to get treated. He is now fighting for his professional livelihood. He is being forced to assess each patient that comes through his door to determine if the complexity of the case could put him out of business. Speak about undermining the doctor patient relationship!

Later this spring, I also made a strong case for this bill on the floor of the House of Representatives. I highlighted the fact that in our state, the first offer from a defendant is compounded at 12 percent annually up to the day of a trial if the doctor doesn't take that offer, regardless of whether the claim has any merit. These offers can grow to double the original figure. This puts doctors in a very bad and unfair position. This is one of the many reasons insurance costs are sky high and make it so difficult for good doctors to practice in CT.

Carol Bauer, immediate past Chairman of the Norwalk Hospital Board of Trustees, wrote in this week's paper that I have not only "talked the talk but have walked the walk" for patient's access to quality healthcare. In fact, there are only a handful of legislators that were willing to take the risk to move this issue forward and give it the high profile needed to make it a top priority needing immediate attention. The conventional wisdom of Hartford told me that taking on this very powerful internal and external legal lobby could be a dangerous exercise. Your attendance here today and new found political advocacy lessens that risk.

Now it is time for the public to stand up demand action and to put more pressure on House and Senate leadership to prevent this situation from getting so bad that we may some day soon have Fathers delivering their own babies with a "How To Manual" as their guide.

Too many of our state very best doctor's practices are on life support and too many have already pulled the plug. Comprehensive tort reform is our only recourse to solving the medical liability crisis. And it must happen now.